

## Calendar No. 196

106TH CONGRESS  
1ST SESSION**S. 1260**

To make technical corrections in title 17, United States Code, and other laws.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 1999

Mr. HATCH (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 1, 1999

Reported by Mr. HATCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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**A BILL**

To make technical corrections in title 17, United States Code, and other laws.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17,**  
4       **UNITED STATES CODE.**

5       (a) **EXEMPTION OF CERTAIN PERFORMANCES AND**  
6       **DISPLAYS ON EXCLUSIVE RIGHTS.**—Section 110(5) of  
7       title 17, United States Code, is amended—

1           (1) by striking “(A) a direct charge” and in-  
 2           serting “(i) a direct charge”; and

3           (2) by striking “(B) the transmission” and in-  
 4           serting “(ii) the transmission”.

5           (b) EPHEMERAL RECORDINGS.—Section 112(e) of  
 6 title 17, United States Code, is amended—

7           (1) by redesignating paragraphs (3) through  
 8           (10) as paragraphs (2) through (9), respectively;

9           (2) in paragraph (3), as so redesignated, by  
 10          striking “(2)” and inserting “(1)”;

11          (3) in paragraph (4), as so redesignated—

12           (A) by striking “(3)” and inserting “(2)”;

13           (B) by striking “(4)” and inserting “(3)”;

14           (C) by striking “(6)” and inserting “(5)”;

15          and

16           (D) by striking “(3) and (4)” and insert-  
 17          ing “(2) and (3)”;

18          (4) in paragraph (6), as so redesignated—

19           (A) by striking “(4)” each place it appears  
 20          and inserting “(3)”;

21           (B) by striking “(5)” each place it appears  
 22          and inserting “(4)”.

23          (c) DETERMINATION OF REASONABLE LICENSE  
 24          FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title  
 25          17, United States Code, is amended—

1           (1) by redesignating the section 512 entitled  
 2       **“Determination of reasonable license fees**  
 3       **for individual proprietors”** as section 513  
 4       and placing such section after the section 512 enti-  
 5       tled **“Limitations on liability relating to**  
 6       **material online”**; and

7           (2) in the table of sections at the beginning of  
 8       that chapter by striking

“512. Determination of reasonable license fees for individual proprietors.”

9       and inserting

“513. Determination of reasonable license fees for individual proprietors.”

10       and placing that item after the item entitled

“512. Limitations on liability relating to material online.”.

11       (d) **ONLINE COPYRIGHT INFRINGEMENT LIABIL-**  
 12       **ITY.**—Section 512 of title 17, United States Code, is  
 13       amended—

14           (1) in subsection (e)—

15               (A) by amending the caption to read as  
 16       follows:

17       **“(e) LIMITATION ON LIABILITY OF NONPROFIT EDU-**  
 18       **CATIONAL INSTITUTIONS.—”**; and

19           (B) in paragraph (2), by striking **“IN-**  
 20       **JUNCTIONS.—”**; and

21           (2) in paragraph (3) of subsection (j), by  
 22       amending the caption to read as follows:

23       **“(3) NOTICE AND EX PARTE ORDERS.—”**.

1 (e) INTEGRITY OF COPYRIGHT MANAGEMENT INFOR-  
 2 MATION.—Section 1202(e)(2)(B) of title 17, United  
 3 States Code, is amended by striking “category or works”  
 4 and inserting “category of works”.

5 (f) PROTECTION OF DESIGNS.—(1) Section 1302(5)  
 6 of title 17, United States Code, is amended by striking  
 7 “1 year” and inserting “2 years”.

8 (2) Section 1320(e) of title 17, United States Code,  
 9 is amended in the subsection caption by striking “AC-  
 10 KNOWLEDGEMENT” and inserting “ACKNOWLEDGMENT”.

11 **SEC. 2. OTHER TECHNICAL CORRECTIONS.**

12 (a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—  
 13 The section heading for section 1400 of title 28, United  
 14 States Code, is amended to read as follows:

15 **“§ 1400. Patents and copyrights, mask works, and de-**  
 16 **signs”.**

17 (b) ELIMINATION OF CONFLICTING PROVISION.—  
 18 Section 5316 of title 5, United States Code, is amended  
 19 by striking “Commissioner of Patents, Department of  
 20 Commerce.”.

21 (c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—  
 22 Section 3(d) of title 35, United States Code, is amended  
 23 by striking “, United States Code”.

1 **SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17,**  
 2 **UNITED STATES CODE.**

3 (a) *EXEMPTION OF CERTAIN PERFORMANCES AND*  
 4 *DISPLAYS ON EXCLUSIVE RIGHTS.*—Section 110(5) of title  
 5 17, *United States Code*, is amended—

6 (1) by striking “(A) a direct charge” and insert-  
 7 ing “(i) a direct charge”; and

8 (2) by striking “(B) the transmission” and in-  
 9 serting “(ii) the transmission”.

10 (b) *EPHEMERAL RECORDINGS.*—Section 112(e) of title  
 11 17, *United States Code*, is amended—

12 (1) by redesignating paragraphs (3) through (10)  
 13 as paragraphs (2) through (9), respectively;

14 (2) in paragraph (3), as so redesignated, by  
 15 striking “(2)” and inserting “(1)”;

16 (3) in paragraph (4), as so redesignated—

17 (A) by striking “(3)” and inserting “(2)”;

18 (B) by striking “(4)” and inserting “(3)”;

19 (C) by striking “(6)” and inserting “(5)”;

20 and

21 (D) by striking “(3) and (4)” and inserting  
 22 “(2) and (3)”;

23 (4) in paragraph (6), as so redesignated—

24 (A) by striking “(4)” each place it appears  
 25 and inserting “(3)”;

1                   (B) by striking “(5)” each place it appears  
2                   and inserting “(4)”.

3           (c) *DETERMINATION OF REASONABLE LICENSE FEES*  
4 *FOR INDIVIDUAL PROPRIETORS.*—Chapter 5 of title 17,  
5 *United States Code*, is amended—

6                   (1) by redesignating the section 512 entitled  
7                   **“Determination of reasonable license fees**  
8                   **for individual proprietors”** as section 513 and  
9                   placing such section after the section 512 entitled  
10                  **“Limitations on liability relating to mate-**  
11                  **rial online”**; and

12                  (2) in the table of sections at the beginning of  
13                  that chapter by striking

“512. Determination of reasonable license fees for individual proprietors.”

14                  and inserting

“513. Determination of reasonable license fees for individual proprietors.”

15                  and placing that item after the item entitled

“512. Limitations on liability relating to material online.”.

16           (d) *ONLINE COPYRIGHT INFRINGEMENT LIABILITY.*—  
17 *Section 512 of title 17, United States Code*, is amended—

18                   (1) in subsection (e)—

19                               (A) by amending the caption to read as fol-  
20                               lows:

21                   “(e) *LIMITATION ON LIABILITY OF NONPROFIT EDU-*  
22 *CATIONAL INSTITUTIONS.*—”; and

1                   (B) in paragraph (2), by striking “INJUNC-  
2                   TIONS.—”; and

3                   (2) in paragraph (3) of subsection (j), by amend-  
4                   ing the caption to read as follows:

5                   “(3) NOTICE AND EX PARTE ORDERS.—”.

6                   (e) INTEGRITY OF COPYRIGHT MANAGEMENT INFOR-  
7                   MATION.—Section 1202(e)(2)(B) of title 17, United States  
8                   Code, is amended by striking “category or works” and in-  
9                   serting “category of works”.

10                  (f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of  
11                  title 17, United States Code, is amended by striking “1  
12                  year” and inserting “2 years”.

13                  (2) Section 1320(c) of title 17, United States Code, is  
14                  amended in the subsection caption by striking “ACKNOWL-  
15                  EDGEMENT” and inserting “ACKNOWLEDGMENT”.

16                  (g) MISCELLANEOUS CLERICAL AMENDMENTS.—

17                         (1) Section 101 of title 17, United States Code,  
18                         is amended—

19                                 (A) by transferring and inserting the defini-  
20                                 tion of “United States work” after the definition  
21                                 of “United States”; and

22                                 (B) in the definition of “proprietor”, by  
23                                 striking “A ‘proprietor’ ” and inserting “For  
24                                 purposes of section 513, a ‘proprietor’ ”.

1           (2) *Section 106 of title 17, United States Code,*  
 2           *is amended by striking “120” and inserting “121”.*

3           (3) *Section 118(e) of title 17, United States*  
 4           *Code, is amended—*

5                   (A) *by striking “subsection (b).” and all*  
 6                   *that follows through “Owners” and inserting*  
 7                   *“subsection (b). Owners”; and*

8                   (B) *by striking paragraph (2).*

9           (4) *Section 119(a)(8)(C)(ii) of title 17, United*  
 10           *States Code, is amended by striking “network’s sta-*  
 11           *tion” and inserting “network station’s”.*

12           (5) *Section 501(a) of title 17, United States*  
 13           *Code, is amended by striking “118” and inserting*  
 14           *“121”.*

15           (6) *Section 511(a) of title 17, United States*  
 16           *Code, is amended by striking “119” and inserting*  
 17           *“121”.*

18 **SEC. 2. OTHER TECHNICAL CORRECTIONS.**

19           (a) *CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The*  
 20           *section heading for section 1400 of title 28, United States*  
 21           *Code, is amended to read as follows:*

22           **“§ 1400. Patents and copyrights, mask works, and de-**  
 23           **signs”.**

24           (b) *ELIMINATION OF CONFLICTING PROVISION.—Sec-*  
 25           *tion 5316 of title 5, United States Code, is amended by*



1 *striking “Commissioner of Patents, Department of Com-*  
2 *merce.”.*

3       *(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Sec-*  
4 *tion 3(d) of title 35, United States Code, is amended by*  
5 *striking “, United States Code”.*

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106TH CONGRESS  
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**S. 1260**

**A BILL**

To make technical corrections in title 17, United States Code, and other laws.

JULY 1, 1999

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